

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **June 19, 2018 at 7 p.m.**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

AGENDA

1. Approval of Agenda
2. Approval of the Supplementary Agenda
3. Adoption of Minutes of May 15, 2018
4. Chair's Report
5. Planner's Report
6. Rezoning Application
 - a) RZ000251 - Lot 12, District Lot 17, Renfrew District, Plan 13240 (17239 Parkinson Road)



Making a difference...together

**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, May 15, 2018, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Mike Hicks (Chair), Stan Jensen, Roy McIntyre, Ron Ramsay, Sandy Sinclair, Art Wynans, Dale Risvold
Staff: Iain Lawrence, Manager, Local Area Planning; Joyce Volek, Recorder

ABSENT: None

PUBLIC: 10

The meeting was called to order at 7:00 p.m.

1. Approval of the Agenda

MOVED by Art Wynans, **SECONDED** by Dale Risvold that the agenda be approved. **CARRIED**

2. Approval of the Supplementary Agenda

None

3. Adoption of Minutes from the Meeting of April 17, 2018

MOVED by Sandy Sinclair, **SECONDED** by Dale Risvold that the minutes from the meeting of April 17, 2018, be adopted. **CARRIED**

4. Chair's Report

The Chair announced that the East Sooke Official Community Plan (OCP) and the Shirley-Jordan River Official Community Plan were both found to be consistent with the Regional Growth Strategy at the last Regional Board meeting and that they continue to move through the process. The public hearings will be held in two weeks and then the OCPs will go back to the Regional Board.

5. Planner's Report

Iain Lawrence confirmed the public hearings for the East Sooke Official Community Plan, Bylaw 4000, and the Shirley/Jordan River Official Community Plan, Bylaw No.4001, are scheduled for Monday, May 28, 2018, commencing at 7 pm, and will be held at the Juan de Fuca Local Area Services Building.

6. Development Permit with Variance Application

a) DV000060 – Strata Lots 15 and 16, Section 16, Otter District, Plan VIS7096 (7450 Butler Road - Sooke Business Park)

Iain Lawrence spoke to the staff report and gave a short slide presentation for the development permit with variance application. The slides depicted a sketch of the lots with the existing building and the proposed addition and where the lot lines presently are. It was explained that the applicant is requesting a variance for the proposed rear yard setback adjustment from 4.5 m to 2.8 m. for the existing building resulting from the proposed cancellation of a lot line. The building design is proposed to be three stories,

14 m. in height, and staff have worked with the applicant's architect to improve the building's façade

The lower portion of the building will be a grey colour, with a lighter color on the upper portion and have wood beams and siding around the main entrance. It was noted that one condition is that the lighting on the building will be ground oriented, as well as complying with other Health Canada standards. Staff confirmed their opinion that the proposed building meets form and character guidelines of the Otter Point Official Community Plan, and is within the height requirements of the M2-MM zone.

The applicant's representative was in attendance and acknowledged he would address any questions that may arise.

Concern was raised regarding the potential shading of the sun that could impact the neighboring lot and the representative advised that the applicant also owned the next door lot.

Another question raised was whether the applicant would capture roof water and the representative stated that Health Canada does not permit roof water for Medical Marihuana production. The intention is to use trucked water.

A discussion ensued regarding proposed future plans of the water supply for the Juan de Fuca Electoral Area (JDFA) and the potential number of residents from the Otter Point area that could be hired as employees. The representative responded that the business is presently in phase two and that phase three and four would be larger with a final total of up to 50 employees.

Questions from the public were asked regarding water waste and where it will go. The representative advised that the water is recycled, that the product is all organic and no fertilizers or chemicals are used. The plants are watered through the soil and roots, not through the leaves.

MOVED by Roy McIntyre, **SECONDED** by Dale Risvold that the Land Use Committee recommend to the CRD Board:

That Development Permit with Variance DV000060, for Strata Lots 15 and 16, Section 16, Otter District, Strata Plan VIS7096 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 27.08(d)(ii) by reducing the rear yard setback requirement from 4.5 m to 2.8 m, for the purpose of reconfiguring the lot boundaries and constructing an addition to the existing building, be approved. **CARRIED**

7. Invitation for Public Input – Proposed 50m Monopole Wireless Communications Facility
Lot 4, District Lot 28, Otter District, Plan VIP19985 (2620 Kemp Lake Road)

Iain Lawrence advised that the proponent's first proposal received significant feedback and, therefore, the proponent came back with this proposal. A short slide presentation was made to show a map of the proposed tower location on the property, the Ministry road rights-of-way on two sides, and the location of the closest residence. Slides showed the simulation of pre- and post-photos of the tower on the site and provided a schematic diagram of the tower. It was explained that the staff report recommendation was to provide a no comment resolution; however, the applicant is requesting some form of support, which can be considered by the Land Use Committee.

The Chair confirmed that two large neighboring properties behind the proposed location were owned by the Crown and that the proposed property itself was privately owned. The land owner confirmed his attendance.

Staff advised that a 500 m. area notification letter was sent out in the neighborhood and that no public responses were received.

Representatives for the proponent were in attendance and explained that Industry Canada asked them to consult local government for a decision and that while the Federal Government does make the final decision, it wants to hear from local government regarding the land use.

A discussion ensued with questions being raised regarding the strength of the signal, radio wave technology, piggybacking of service providers on infrastructure, and why other alternative locations of the tower are not suitable.

The proponent advised that the particular band within the radio frequency spectrum they have been allocated is lower power and that the towers must be in relatively close proximity to the residents who would receive service.

The Chair confirmed that the staff recommendation is now to state that there is “no objection” to the siting, rather than “no comment”, as stated in the staff report.

MOVED by Sandy Sinclair, **SECONDED** by Dale Risvold that the Land Use Committee recommend to the CRD Board:

That a resolution be provided to the proponent that the CRD Board has no objection to the proposed siting of a 50.0 m monopole wireless communications facility on Lot 4, District Lot 28, Otter District, Plan VIP19985. **CARRIED**

Adjournment

The meeting adjourned at 7:45 p.m.

Chair



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JUNE 19, 2018**

SUBJECT **Zoning Amendment Application for Lot 12, District Lot 17, Renfrew District,
Plan VIP13240**

ISSUE

The applicant proposes to rezone the subject property from Community Residential – One (CR-1) to a new Mixed Commercial/Residential (CR-1A) zone, in order to allow a food truck and picnic shelter.

BACKGROUND

The vacant, 0.2 ha subject property is located in Port Renfrew at 17239 Parkinson Road (Appendices 1 and 2). The property is designated as Residential (R) under Schedule 'A' of the Comprehensive Development Plan for Port Renfrew, Bylaw No. 3109, and zoned CR-1 under Schedule 'B' (Zoning) of the bylaw. The parcel is adjacent to Tourist Commercial – One (TC-1) zoned land to the south, Tourist Commercial 1A (TC-1A) zoned land to the west, and CR-1 zoned parcels across Parkinson Road to the north and to the east.

The parcel is located within the Port Renfrew community water system and the Port Renfrew fire protection service area. A tributary of Defiance Creek has been identified within 30 m of the subject property.

In addition to maintaining the residential use of the property, it is the owner's intention to operate a food truck and provide a picnic shelter for patrons. The requested CR-1A zone will allow all of the existing CR-1 zone uses, which include one single-family dwelling, one accessory cottage, bed and breakfast, home-based business, and retail establishments, as well as add a new food service establishment use. The food service establishment use would include such operations as food trucks, restaurants and take-out eateries.

Staff have prepared Bylaw No. 4216, which would rezone the parcel from Community Residential - One (CR-1) to Mixed Commercial/Residential (CR-1A) (Appendix A).

At their meeting of January 16, 2018, the Land Use Committee recommended referral of the proposed bylaw to the Port Renfrew Advisory Planning Commission (APC) and to the following agencies: BC Hydro, Cowichan Valley Regional District, District of Sooke, Island Health, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, RCMP and Sooke School District #62.

Since a member of the APC resigned before an APC meeting could be held, the Commission did not have the required membership to continue. Alternatively, a Public Information Meeting was held in Port Renfrew on February 22, 2018 (Appendix B). Comments were received from Capital Regional District (CRD) Bylaw Enforcement, CRD Protective Services, CRD Integrated Water Services, Island Health, and the Ministry of Transportation and Infrastructure (Appendix C).

ALTERNATIVES

That the Land Use Committee recommends to the Capital Regional District (CRD) Board:

1. a) That the referral of proposed Bylaw No. 4216 directed by the Juan de Fuca Land Use Committee to the Port Renfrew Advisory Planning Commission, BC Hydro, Cowichan Valley Regional District, District of Sooke, Island Health, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, RCMP and Sooke School District #62 and appropriate CRD departments be approved and the comments be received;
- b) That proposed Bylaw No. 4216, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 9, 2018" be introduced and read a first time, read a second time; and

- c) That in accordance with the provisions of Section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4216.
2. That the CRD Board not proceed with proposed Bylaw No. 4216.
3. That more information be provided by staff.

PUBLIC CONSULTATION IMPLICATIONS

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the *Local Government Act (LGA)* will be required prior to third reading by the CRD Board. Property owners/tenants within 500 m of the subject property will be sent a notice of the proposed bylaw amendments and the hearing will be advertised in the local paper and on the CRD website.

REGIONAL GROWTH STRATEGY IMPLICATIONS

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. In accordance with CRD Development Applications Procedures Bylaw No. 3110, where a zoning bylaw amendment that applies to land within the Port Renfrew Comprehensive Community Plan area is consistent with the Official Community Plan (OCP), it does not proceed to the full CRD Board for a determination of consistency with the RGS. It is noted that the RGS designates the Port Renfrew Comprehensive Community Plan area as an Urban Containment area. With regards to water service, the RGS allows for provision of water to the area and the subject property is located within an existing water service area.

LAND USE IMPLICATIONS

Referral Comments

Referrals were sent to eight agencies, the Port Renfrew APC and to appropriate CRD divisions. Comments received are noted below.

CRD Bylaw Enforcement had no objection to the proposal.

CRD Protective Services commented that the water service area has limited capacity for new users, which is a concern for fire protection purposes, and that water availability should be confirmed by Integrated Water Services.

CRD Integrated Water Services advised that the subject property is located within the Port Renfrew Water Service Area; however, it is not currently connected to the system. If the CRD receives an appropriate application to supply water, and if the owner is prepared to meet the conditions of CRD Bylaw 1792, and pays the fees as authorized under CRD Bylaw No. 3924, community piped water may be supplied to the property subject to conditions.

Island Health has a regulatory role in food premises from construction to operation. Construction of new food premises must be undertaken with the appropriate construction and operating permits and sewage disposal must be in compliance with the *Sewerage System Regulation*. Island Health generally supports the change of land use to a more mixed use based on the idea of fostering connectedness and physical activity.

The Ministry of Transportation and Infrastructure had no objection to the proposed rezoning of the subject property provided that the adequate off-street parking is provided, and that the owner obtains the necessary commercial access permit off Parkinson Road. Such a permit would be required if the zoning amendment is successful and prior to operation of the food service establishment.

A Public Information Meeting was held on February 22, 2018 with eleven members of the public in attendance. The members of the public present at the meeting generally spoke in support of additional restaurant options and expressed that Port Renfrew has a need for a core of commercial and tourism development. It was thought that the subject property was a logical location for a food truck or restaurant and that Parkinson Road is an appropriate commercial area. Members of the public in attendance at the meeting sought clarification on the fee structure for water users and indicated support for an OCP review.

Planning Analysis

The Port Renfrew Comprehensive Community Development Plan designates the subject property as Residential (R). The focus of this designation is to ensure the housing stock in the plan area meets the needs and requirements of the market place for at least five years. The Residential (R) designation identifies mixed residential/commercial uses as viable activities for economic development within the residential designation.

The Community Residential – One (CR-1) zone allows for residential and retail uses; however, it does not permit food service uses; therefore, an amendment to rezone the subject property to include food service establishments as a permitted use is required. Use of the land as a restaurant, café or food truck operation, along with a single-family dwelling, would be in keeping with the surrounding land uses in this part of the Port Renfrew town site. Neighbouring uses include a restaurant, RV camping, tourist cabins and single-family residential.

Development of an RV Park on adjacent land to the south has identified the presence of a tributary of Defiance Creek within 30 m of the subject property. A previous *RAR* report also identified the presence of a stream on the subject property. Since the stream had been previously disturbed (culverted), staff requested that an Impacts and Conditions Report, prepared by a Qualified Environmental Professional (QEP) be submitted prior to 1st Reading of the proposed bylaw. A report, prepared by Julie Budgen, R.P.Bio., QEP, has been submitted confirming the loss of vegetation on the property and an increased risk of erosion in the riparian area (Appendix D). While the watercourse is seasonal and appears to not be fish-bearing, the Report outlines recommendations to restore and protect remaining native plant habitat and the riparian area. The recommended work should be completed prior to approval of the proposed zoning amendment.

Other conditions highlighted by referral agencies are appropriately addressed at the time of development through the connection of the property to community water in accordance with CRD Integrated Water Services requirements and through the various permitting processes, including a building permit. It is noted that additional capacity, which will benefit the entire water system, is planned as part of a larger on-going development.

Staff recommend proceeding with proposed Bylaw No. 4216 for first and second reading and proceeding to a public hearing.

CONCLUSION

The purpose of this Comprehensive Community Development Plan amendment application is to allow the operation of food service establishments in addition to the uses currently permitted under the CR-1 zone through the creation of a new Mixed Commercial/Residential (CR-1A zone). Staff recommend proceeding with proposed Bylaw No. 4216 for first and second reading and proceeding to a public hearing.

RECOMMENDATIONS

That the Land Use Committee recommends to the Capital Regional District (CRD) Board:

- a) That the referral of proposed Bylaw No. 4216 directed by the Juan de Fuca Land Use Committee to the Port Renfrew Advisory Planning Commission, BC Hydro, Cowichan Valley Regional District, District of Sooke, Island Health, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, RCMP and Sooke School District #62 and appropriate CRD departments be approved and the comments be received;
- b) That proposed Bylaw No. 4216, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 9, 2018” be introduced and read a first time, read a second time; and
- c) That in accordance with the provisions of Section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4216.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B.Sc., C. Tech., Acting Chief Administrative Officer

IL:jv

Appendices:

- A. Proposed Bylaw No. 4216
- B. Public Information Meeting Minutes
- C. Referral Comments
- D. Impacts and Conditions Report

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4216**

**A BYLAW TO AMEND BYLAW NO. 3109,
THE "COMPREHENSIVE COMMUNITY PLAN FOR PORT RENFREW, BYLAW NO. 1, 2003"**

The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 3109 being the "Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003" is hereby amended:

A. SCHEDULE B, PART 1, SECTION 1 DEFINITIONS

- (a) By adding a new definition for "FOOD SERVICE ESTABLISHMENT" before the word "FRONT PARCEL LINE" as follows:

FOOD SERVICE ESTABLISHMENT means any building, vehicle, place or structure where food is prepared, served, or sold for immediate consumption on the premises, called for or taken out by customers, or prepared prior to being delivered to another location for consumption.

B. SCHEDULE B, PART IV - ZONES

- (a) By inserting a new "Mixed Commercial/Residential – CR-1A" zone, after Section 22, to be read as follows:

SECTION 22A CR-1A (Mixed Commercial/Residential) Zone

Permitted Uses

1. The following uses and no others are permitted in this zone:
 - a) Dwelling unit;
 - b) Religious centres;
 - c) Bed and breakfasts;
 - d) Home based business;
 - e) Retail establishments;
 - f) Food service establishments.

Permitted accessory uses and buildings on any parcel includes the following:

- g) Any accessory buildings or structures to any of the above listed uses, including one or more dwelling units in the rear of or above a retail or food service establishment;
- h) One-cottage in conjunction with the above permitted uses, provided that the cottage does not exceed 83 square metres (900 square feet).

Regulations

2. On a parcel of land located in this zone:

Minimum Parcel Size for Subdivision Purposes

- a) The minimum parcel size is 1.0 Ha (2.5 acres) when there is no community sewage or water system to hook into or the owner decides not to hook into both a community sewage and water system.

- b) The minimum parcel size is 0.1 Ha (0.25 acres) when the parcel is hooked up to a community sewer and water system.

Minimum Size of Accessory Dwelling Units and Cottage

- c) Not more than 30 percent (30%) of the principal building shall be used for an accessory dwelling unit or units in conjunction with a retail or food service establishment.
- d) The accessory cottage must not exceed 83 square metres (900 square feet).

Number and Type of Dwelling Units Allowed

- e) Despite paragraph (d) above, not more than the following types of dwelling units, not contained within a retail establishment, are allowed on a parcel in this zone;
 - i) One (1) single-family dwelling unit;
 - ii) One (1) two-family dwelling unit, if there is no retail or food service establishment on the parcel.

Height

- f) No principal building or structure shall exceed 9.75 metres (32 feet) in height.

No accessory building or structure shall exceed 4.8 metres (16 feet) in height.

Setbacks

- g) Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:
 - i) 6 metres (20 ft.) of a front parcel line;
 - ii) 1.5 metres (5 ft.) of an interior side parcel line;
 - iii) 4.6 metres (15 ft.) of an exterior side parcel line;
 - iv) 6 metres (20 ft.) of a rear parcel line.

Accessory Buildings

- h) The total floor area of all accessory buildings must not exceed 10-percent (10%) of the parcel area;
- i) An accessory building must not be located within 1.5 metres (5 ft.) of a rear parcel line.

Parcel Area Coverage

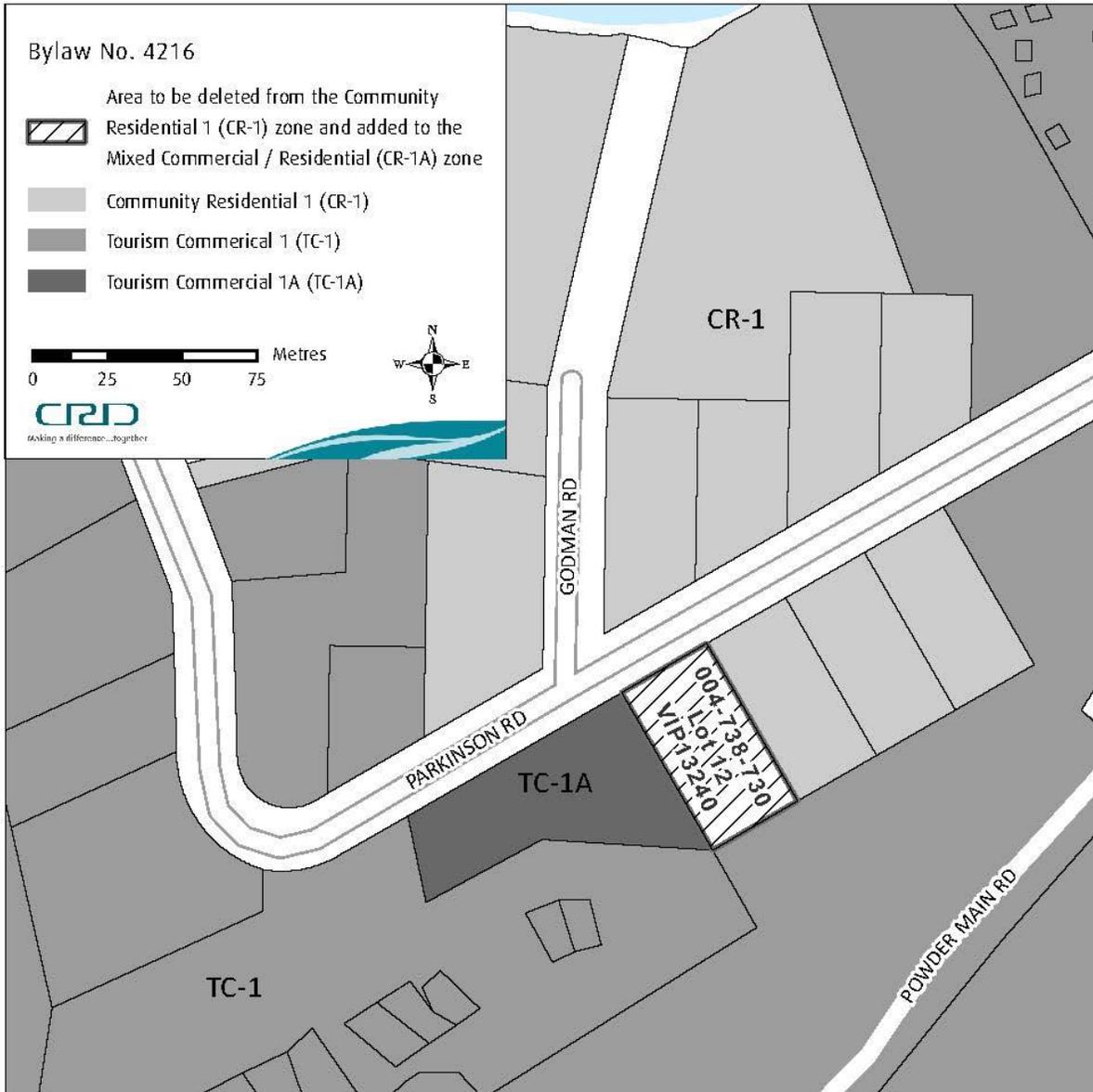
- j) The maximum permitted parcel area coverage of the principal building with all accessory buildings and structures is 40 percent (40%).

C. SCHEDULE B, MAP NO. 3 – ZONING

- (a) By deleting Lot 12, District Lot 17, Renfrew District, Plan VIP13240 from the Community Residential – One (CR-1) zone and adding said lot to the Mixed Commercial/Residential (CR-1A) zone, as shown on Plan No. 1, attached to and forming part of this bylaw

Plan No. 1 of Bylaw 4216, an amendment to Bylaw No. 3109

Lot 12, District Lot 17, Renfrew District, Plan VIP13240 on this plan attached to and forming part of this bylaw.



Appendix B: Public Information Meeting Minutes



Notes from a Public Information Meeting
Held February 22, 2018 at the Port Renfrew Community Centre, 6638 Deering Road,
Port Renfrew, BC

SUBJECT: Zoning Amendment Application for Lot 12, District Lot 17, Renfrew District,
Plan 13240 – 17239 Parkinson Road

PRESENT: Staff: Iain Lawrence, Manager, Local Area Planning; Emma Taylor, Recorder

PUBLIC: 11

The meeting was called to order at 6:30 p.m.

Iain Lawrence welcomed everyone to the meeting and advised that the purpose of the meeting is to provide information about the applicant's proposal for a food truck and to obtain input from area residents regarding the proposal. The information collected from the meeting will be presented to the Juan de Fuca Land Use Committee (LUC) for recommendation to the CRD Board as to if the proposal should or should not proceed.

It was noted that the LUC representative for Port Renfrew, Roy McIntyre, was in attendance. It was also explained that there is no longer an active Advisory Planning Commission for Port Renfrew due to a member stepping down.

Iain Lawrence spoke to the staff report considered by the LUC at its meeting of January 16, 2018, and the application to amend the Port Renfrew Comprehensive Community Development Plan, Bylaw No. 3109 to permit the operation of a food service establishment.

Iain Lawrence stated that a Riparian Assessment Report would be required as part of the application process due to the location of a creek on the property. Staff have prepared a proposed bylaw to rezone the subject property from Community Residential One (CR-1) to a new Mixed Commercial/Residential (CR-1A) zone.

Iain Lawrence indicated that the applicant was in attendance.

Joshua Walker stated that he recently acquired the property and wishes to establish a food truck and outdoor seating on the property. The applicant stated a desire to rezone for tourist commercial uses in the future.

The applicant questioned how property taxes would be affected by the proposed rezoning. Iain Lawrence stated that BC Assessment Authority may get information through building permit records.

A member of the public posed a question about when to submit comments about the proposal. Iain Lawrence explained the purpose of the meeting is to collect comments. If the proposal is supported through 1st and 2nd Readings, a public hearing would be held in the community at a future date.

A member of the public questioned whether any concerns had been expressed by existing local businesses. The applicant stated that existing restaurant operators were made aware of the

Public Information Meeting Notes
February 22, 2018

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proposed rezoning and expressed no concerns. Joshua Walker outlined his proposal to hold reliable hours serving lunch and dinner.

Comments from members of the public included:

- Support for additional restaurant options
- Fee structures for water users
- Port Renfrew needs a core of commercial and tourism development
- Logical location for proposal
- Parkinson Road is appropriate commercial strip

Discussion ensued about considerations for rezoning to Tourist Commercial One (TC-1). Iain Lawrence outlined that an Official Community Plan amendment would be required as the property is designated Residential. It was further stated that the Regional Growth Strategy (RGS) was currently under review and will be considered for adoption in April 2018. Applications to amend the OCP policies could come forward for consideration at that time.

Janis Hiles inquired about when a review of the Port Renfrew Comprehensive Community Development Plan would occur. Iain Lawrence stated it has been on the work plan, but put on hold while the RGS was under final review. Members of the public indicated support for an OCP review.

The meeting adjourned at 6:47 p.m.

Appendix C: Referral Comments

From: [Peter Fnsor](#)
To: [Emma Taylor](#)
Subject: RE: Referral - rezoning application RZ000251 - Parkinson Road, Port Renfrew
Date: Thursday, January 25, 2018 12:45:50 PM

The Port Renfrew water service area has very limited capacity for new users. This item is of concern for fire protection purposes and water availability must be confirmed with IWS

PE

From: Emma Taylor
Sent: Tuesday, January 23, 2018 12:23 PM
To: Emma Taylor <etaylor@crd.bc.ca>
Subject: Referral - rezoning application RZ000251 - Parkinson Road, Port Renfrew

Good Morning,

Please find attached a referral request form and staff report for rezoning application RZ000251 (proposed Bylaw No. 4216).

The Land Use Committee directed referral of the application at its January 16, 2018 meeting. Comment is requested by February 23, 2018.

Thank you,

Emma Taylor, MA, MCIP, RPP
Planner | Planning and Protective Services Department | JDF Electoral Area Planning
Phone: 250.642.8102 | Fax : 250.642.5274 | E : etaylor@crd.bc.ca
Capital Regional District | 3-7450 Butler Road, Sooke BC V9Z 1N1

Web: www.crd.bc.ca/jdf



Please consider the environment before printing this email.



TO: Iain Lawrence, Manager, Local Area Planning
FROM: Joseph Marr, Manager, Water Distribution Engineering and Planning
DATE: February 19, 2018
FILE: 3360-20-PRENW-18-001
YOUR FILE: RZ000251
**SUBJECT: ZONING AMENDMENT APPLICATION FOR LOT 12, DISTRICT LOT 17,
RENFREW DISTRICT, PLAN 13240 (17239 PARKINSON ROAD)**

Thank you for your rezoning referral received January 23, 2018, which requests that we examine the above mentioned proposal with regard to the water supply regulations and policies of the Capital Regional District (CRD) Integrated Water Services (IWS) as established for the Port Renfrew Utility Service Commission (PRUSC).

The subject property is located within the Port Renfrew Water Service Area, however is not currently connected to the water system.

If the CRD receives an appropriate application to supply water, and if the Owner(s) is prepared to meet the conditions of CRD Bylaw 1792, and pays the fees an authorized under CRD Bylaw 3924, community piped water may be supplied to this property subject to the following:

1. The Owner(s) submits a water service application to the CRD.
2. The Owner(s) pay all applicable connection costs, including parcel taxes and user fees as required.
3. The Owner(s) comply with all other relevant bylaws and applicable codes for servicing (CRD land use approvals, Building code, MOTI etc.)

This memo is for the purpose of providing you with information regarding services available from CRDIWS, and should not be construed as either approval or rejection of the proposed rezoning application.

These conditions are valid for 180 days from the date of writing. However, if at any time there is a change in legislation, regulations and CRD Bylaw No. 1792 or 3924, which would cause any of the above conditions to be non-conforming, then CRDIWS reserves the right to revise any or all of the conditions accordingly, at any time during the 180 day period.

February 19, 2018
Zoning Amendment Application – 17239 Parkinson Road

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JM

cc: Ian Jesney, Senior Manager, Infrastructure Engineering

Highlights:

- The proposed amendment will allow for a more mix-use designation for the property. Mix-use options foster connectedness and physical activity. Health evidence shows that people who live in walkable neighbourhoods are two times more likely to meet the physical activity standards than those who don't. It will reduce vehicle dependency and encourage alternate modes of transportation such as walking, cycling and public transit that will encourage participation in active, healthy lifestyles.
- The provision of a picnic shelter will provide a space for residents and visitors to provide a gathering place that will encourage opportunities to foster social connectedness. Studies have shown the more socially connected a person felt, the better they perceived their mental and physical health to be.
- The allowance for a food establishment will provide local access to food. Healthy food choices, if offered will provide an increase in access to healthy food, which in turn is associated with an increase in the purchase and consumption of healthy foods (such as fruits and vegetables).

Regulatory Considerations:

Food Premises

- The Health Protection and Environmental Services (HPES) department in Island Health has a regulatory role in food premises from construction to operation. Any changes to the existing food premises and the possible construction of new food premises must be undertaken with the appropriate construction and operating permits.

Sewerage Disposal

- Sewage disposal for the proposed development must be in compliance with the *Sewerage System Regulation* or the *BC Municipal Wastewater Regulation*.

Recommendations:

- Retain or enhance the natural environment as much as possible. Research supports a strong relationship between exposure to nature and the reduction of stress, chronic disease, depression, anxiety, improved concentration and cognitive functioning.
 - To lessen the burden of PM_{2.5} from development, restrictions should be placed on wood burning due to land clearing. Measures such as restricting burning to daylight hours to lessen impacts of PM_{2.5} (as smoke dispersion is poor during nighttime) and the use of air curtains and non-burning alternatives for land clearing are recommended.
 - Provision of on-site bicycle storage will encourage residents and visitors to engage in physical activity/active transportation making physical activity options convenient. Promotion of physical activity can lead to overall improvements in emotional and physical wellness, and lessen the obesity rates and decrease the risk of chronic diseases.
-

From: [Berube, Nikki TRAN:EX](#)
To: [Emma Taylor](#)
Subject: FW: Referral - rezoning application RZ000251 - Parkinson Road, Port Renfrew
Date: Friday, January 26, 2018 3:03:38 PM
Attachments: [image001.png](#)

Hi emma,

Sorry about the second email, I would like to make an addition to the original response (Below).

Please accept this as official response from the Ministry of Transportation and Infrastructure in regards to the rezoning application for 17239 Parkinson Road in Port Renfrew, **Ministry File 2018-00500**.

The Ministry has no objections to the proposed rezoning of the subject property subject to the following condition(s):

- The property should have adequate off-street parking to accommodate an increase in visiting patrons/traffic. Vehicles should not be parking on the shoulder of Parkinson Road for prolonged periods of time.
- The owner of the property should complete the application to obtain a permit for commercial access from Parkinson Road. Applications can be made to the Ministry of Transportation and Infrastructure, attention to Nikki Berube.

There are no other conditions to be met at this time.

If you have any questions or concerns please let me know!

Thank you!

Nikki Bérubé

District Development Technician
Ministry of Transportation and Infrastructure – Vancouver Island District
Ph: 250-952-5562 Cell: 778-679-1973
Fx: 250-952-4508



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For employees, by employees

From: Berube, Nikki TRAN:EX
Sent: Friday, January 26, 2018 3:01 PM
To: 'Emma Taylor'
Subject: RE: Referral - rezoning application RZ000251 - Parkinson Road, Port Renfrew

Impacts and Conditions Report for 17239 Parkinson Rd, Port Renfrew, British Columbia

Submitted to:

Iain Lawrence, Planner
Planning and Protective Services Department,
JDF Electoral Area, Capital Regional District
3-7450 Butler Road, Sooke BC V9Z 1N1

Submitted by:

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1 Introduction

Corvidae Environmental Consulting Inc. (Corvidae) was contracted to provide an Impacts and Conditions Environmental Assessment for the development of 17239 Parkinson Rd., Port Renfrew, British Columbia (the property). The property, PID 004-738-730, currently consists of one residential lot with a ditch running in a southeast direction from the northeast corner of the property. The ditch drains to an unnamed stream, watershed code 930-053800.

The project site is a 0.185 hectare (ha), beside the Coastal Kitchen, in Port Renfrew, BC. The centre of the project being located at 48 33'06.62 N, 124 25'12.06 W (Figure 1).

1.1 Re-zoning Application

The property is currently zoned residential. The landowner, Josh Walker, is proposing to change the zoning to mixed – commercial and residential. The plan is to have a food truck at the front of the lot, and a residence and fish smoke shack at the back of the lot. The residence will include washroom facilities with septic. The septic is proposed to be at the back of the lot in the south east corner of the lot. Required setbacks for septic are provided in Table 1 from the Municipal Sewer Regulation (MOE 2012). The stream is >30 m (approximately 34 m) from the proposed septic location (see Figure 1). Percolation tests will be provided at the building permit application stage.

Table 1. Septic Setback Requirements

Table H – Minimum Setback Requirements			
	Feature	Minimum Setback Distance	
		Maximum Daily Flow	
		<37 m ³ /d	≥ 37 m ³ /d
Row 1	property boundary	3 m	6 m
Row 2	building drain(*)	5 m	10 m
Row 3	Christina Lake	**	**
Row 4	surface water	30 m	30 m
Row 5	surface water within Okanagan basin	30 m	150 m
Row 6	water well	60 m	90 m
Row 7	water well within an unconfined aquifer	60 m(***)	300 m(****)

1.2 Purpose

Corvidae's role in this project is to assess and document the recent disturbances and provide environmental protection measures for the stream and lot as part of the re-zoning application. This report documents the ecological features on the lot. Background information was reviewed,



including applicable databases. During the property assessments the following features were assessed and documented in this report:

- Areas of sensitivity, habitat and biodiversity values.
- Plant communities and plant species on site.
- Potential wildlife presence and wildlife habitat, including species with specific habitat needs that have potential to be affected by development.
- Adjacent land use.
- Soil types and properties.
- Slope aspect and slope materials.
- The riparian areas Streamside Protection and Enhancement Area (SPEA) of the stream streams, including review of the 2008 assessment (Jaques-Whitford 2008).
- Surface water flow patterns.

Following the field assessments, the biophysical features were mapped and areas to be avoided during any further development have been identified (see Figure 1). Mitigations to minimize development impacts on the environment and potentially improve the habitat in the area have been provided in Section 5.

1.3 Riparian Areas Regulation Assessment

There was a Riparian Areas Assessment (RAA) completed for the property in 2008, as part of the *BC Fish Protection Act* (succeeded by the *Riparian Areas Protection Act*). The objective of a RAA is to preserve and enhance sensitive riparian ecosystems, the area biodiversity and existing vegetation. There is one stream identified on the property (Figure 1). The RAA from 2008 determined that the Stream Protection Enhancement Areas (SPEA) is 5 m on either side to preserve the stream. On the property the stream runs into a culvert (60 cm diameter). Upstream the stream is also culverted under Powder Main Road and the neighbouring property.

In the Riparian Areas Regulation a SPEA is defined as “*an area (a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream, and (b) the size of which is determined according to this regulation on the basis of an assessment report provided by a qualified environmental professional in respect of a development proposal.*” (Queen’s Printer 2016)

From assessment of the property and surrounding habitat and biophysical features, it was confirmed that the SPEA is an average of 5 m, on either side, from the high water mark to effectively maintain stream health, erosion control and habitat for existing species within the stream. This SPEA has been maintained with the new construction, and the rip-rap installation used to stabilize the slopes on the property and create a tiered effect.

During the recent clearing and construction the 5 m SPEA on both sides of the stream was left in place, as indicated by the vegetation (see Appendix A: Photos). Corvidae mapped the SPEA (Figure 1) to ensure it remains protected; and provided mitigations (Section 5) to protect the fish habitat in accordance with the *Riparian Areas Protection Act*.





2 Methods

2.1 Desktop Review

Baseline biophysical conditions were established and compiled by reviewing the best available data and information including existing reports for the area and conducting searches of online provincial and federal databases:

- Searches of the B.C. Conservation Data Centre for instances of rare or at-risk wildlife and plant occurrences in the region (BC CDC 2018), and for rare or at risk species that may be present on or within 1 km of the property (BC CDC 2018).
- Ortho-imagery and aerial photos of the property (Google Earth 2018).
- Procedures for Mitigating Impacts on Environmental Values (Environmental Mitigation Procedures) Version 1.0. (MOE 2014).
- CRD mapping system and databases (crd.bc.ca 2018).
- Port Renfrew Official Community Plan Consolidated.

Lists of rare or at risk wildlife occurrences from the CDC database have been provided in Appendix B. There was a sensitive species listed on the CRD database of the jumping slug >500 m from the property (see Figure 2).

2.2 Field Assessment

A field assessment of the property and surround area was completed on April 24th by a Qualified Environmental Professional (QEP) from Corvidae. The assessment included characterization of habitat types, wildlife sign and species observations, wildlife habitat, and identification of the natural drainage and riparian area and assessed the current disturbances from recent construction.

3 Biophysical Assessment

3.1 Climate and Biogeoclimatic Zone

The property is located in the Coastal Western Hemlock, Very Wet Maritime (CWHvm1) biogeoclimatic zone (BC Conservation Data Centre 2018). It is a unique habitat that occurs on the southeastern section of Vancouver Island. The average rainfall is 3504 mm/annually. The elevation of the area is 15 m above sea level (Google Earth May 2018).

3.2 Soils and Terrain

The soils on site are moderate to well drained, sandy, silty loam. They are colluvium, part of the Hazite soils association (Queen's Printer 2010). The area is sloped with moderate to steep slopes in areas. On the property it has been tiered and leveled for access and building locations. The rip-rap walls create a step-down affect to adapt the grade change on the property.



3.3 Water Resources

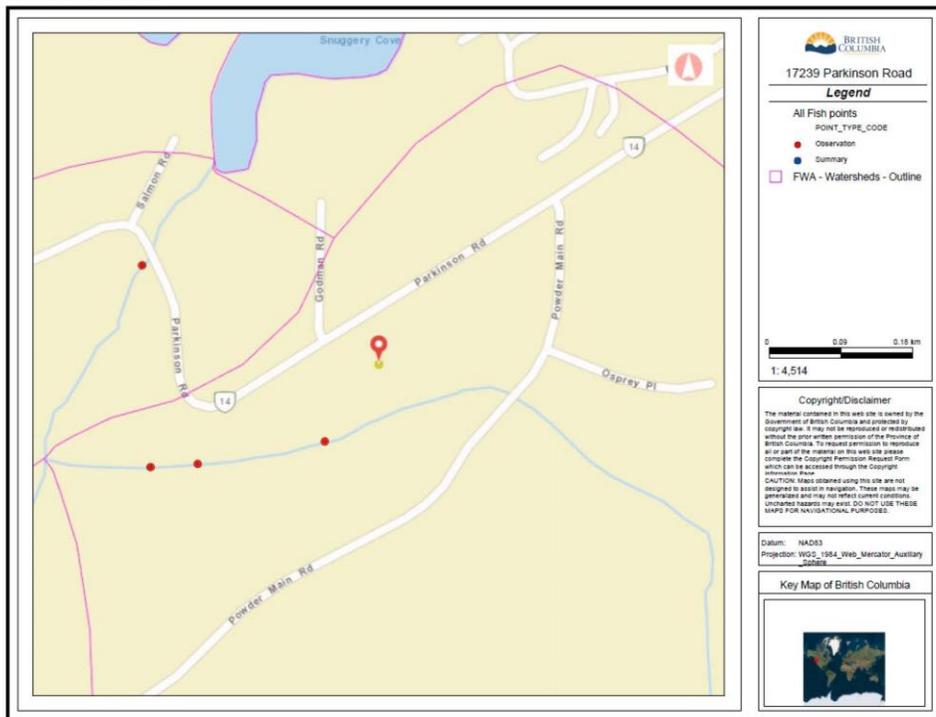
A search of the provincial database (IMAP BC 2018), shows one creek running south of the property. The same creek is identified in the CRD mapping as well (Figure 2 and 3). The stream that bisects the property does not show on the provincial or local government data layers. The stream on site is first order, ephemeral stream with natural overland drainage feeding into it.

3.4 Fish and Fish Habitat

The stream is not recorded as fish-bearing. From the property assessment it appears to not be fish bearing due to the areas of the stream down-slope being overgrown and completely filled with woody debris. There is also a 2 m high drop further downstream before it enters into an unnamed creek >200 m from the property (Figure 3). There are occurrences of cut throat trout occurring in the unnamed creek. During the desktop review no fish species were recorded to occur on the project site (BC CDC 2018). The online iMap BC provided fish observation records along the unnamed creek (watershed ID 1503963, see Figure 3), >100 m south of the property (see Figure 3). The fish observation record 132659, dated March 28, 2012 is the closest observation of cutthroat trout (*Oncorhynchus clarkii clarkii*).



Figure 3. Fish Occurrences



3.5 Ecological Communities and Vegetation

This forest community is typical within a CWHvm1 biogeoclimatic zone. The forested area around the property is predominately Western redcedar and western hemlock dominate, reflecting the pattern of relatively drier (usually raised organic mounds) and lower wet microsites. Species in the riparian and around the property are listed in Table 2.

Table 2. Plant species found on and around the property.

COMMON NAME	SCIENTIFIC NAME
Douglas-fir	<i>Pseudotsuga menziesii</i>
western red-cedar	<i>Thuja plicata</i>
bignone maple	<i>Acer macrophyllum</i>
false lily-of-the-valley	<i>Maianthemum dilatatum</i>
queen's cup	<i>Clintonia uniflora</i>
Indian plum	<i>Oemleria cerasiformis</i>
trembling aspen	<i>Populus tremuloides</i>
lady fern	<i>Athyrium filix-femina</i>
skunk cabbage	<i>Lysichiton americanus</i>
dandelion	<i>Taraxacum officinale</i>
salmon berry	<i>Rubus spectabilis</i>
bracken fern	<i>Pteridium aquilinum</i>
sword fern	<i>Polystichum munitum</i>
trailing blackberry	<i>Rubus ursinus</i>
dull Oregon-grape	<i>Mahonia nervosa</i>
salal	<i>Gaultheria shallon</i>

3.6 Wildlife and Wildlife Habitat

On the property no active nests were observed. There were no red or blue listed species recorded (CDC) or noted during the site visit. However, they still may occur in the surrounding habitat. The riparian area will still provide habitat during the wet months.

Based on a search using the BC Conservation Database, 9 animal species at risk have the potential to occur in the area (BCCDC 2018; Appendix B). Of these, none were listed to occur within 1 km of the property (iMap BC accessed May 3, 2018).

4 Potential Environmental Effects

The property was previously disturbed, however Corvidae was on site after the clearing occurred. The clearing resulted in loss of native vegetation and exposed soils in the area. There is risk of soil erosion into the riparian area.



There will be impacts to amphibian habitat by the loss of wet soils and areas for hibernation upslope of the riparian habitat.

There is risk of invasive species coming into the area in the new clearing.

5 Mitigation Measures

The mitigation measures provided in this report are to meet regulatory requirements and protect habitat. The regulatory requirements include the Riparian Areas Regulation, Conditions and Impact reporting and the CRD requests for an assessment and mitigation measures.

These mitigations have addressed all environmental aspects, with a focus on the sensitive habitat feature – the riparian area. The overall mitigation measures moving forward are:

- Protect the remaining native plant habitat, no further clearing.
- Protect the riparian area and plant native species in the riparian area (see Table 3).
- Re-vegetate bare areas that do not have traffic – retaining walls and open areas (see Table 3).
- Keep invasive (weed) species from entering in the area, remove any that start to grow.

5.1.1 Recommended Planting

Table 3 provides a list of plants to be installed in the bare areas on the property. High density is recommended. The planting is to be completed prior to re-zoning approval. The species in Table 3 are recommendations to cover the retaining walls and hold space in the riparian area. If other species are wanted, ensure they are not invasive to the area.

Table 3. Plant species recommended for planting

COMMON NAME	SCIENTIFIC NAME	LOCATION
sword fern	<i>Polystichum munitums</i>	Riparian area and bare areas between trees
Self-heal	<i>Prunella vulgaris</i> spp. <i>lanceolata</i>	Rip-rap area, good ground cover
Thyme	<i>Thymus serpyllum</i>	Rip-rap area, creeping for good ground cover
Rock cress	<i>Arabis Caucasica</i> 'Compinkie'	Rip-rap area
Trifoliate bittercress	<i>Cardamine Trifolia</i>	Rip-rap area
Snow in Summer	<i>Cerastium Tomentosum</i>	Rip-rap area
dull Oregon-grape	<i>Mahonia nervosa</i>	Outer edge of Riparian area
salal	<i>Gaultheria shallon</i>	Bare areas between trees



5.1.2 Recommended Sword Fern Transplanting

In the Port Renfrew area there are large sword ferns. Some of the ferns are up to 60 years old. Corvidae recommends transplanting from other areas, where available and in high density. We have worked on projects with successful transplanting of sword ferns. They are easily transplanted if the following measures are taken:

- Transplant during the wet periods to allow for root re-establishment with sufficient rainfall to grow in the new environment, or water through the summer if installed in the spring.
- Take the main roots (0.5 m or greater in depth).
- Take the surrounding soil and 0.3 m (or greater) circumference around the plant (in addition to the plant width).

The ferns would provide the following benefits:

- Act as rainwater catchment to deal with heavy run-off and rainfall events.
- Complete against invasive species in the area.
- Provide shade and improved habitat for terrestrial wildlife.
- Naturalize the area with native vegetation to fill in the grass and rock areas, creating an aesthetically beautiful landscape.

6 Summary

The riparian area that was previously reported on has been protected. If improved with native plant planting throughout the property, there SPEA will remain viable and protected.

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7 References

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BC Ministry of Environment 2012. Environmental Management Act Municipal Sewage Regulation. http://www.bclaws.ca/Recon/document/freeside/--%20E%20--/Environmental%20Management%20Act%20%205BC%202003%20%20c.%2053/05_Regulations/30_129_99.xml

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British Columbia Ministry of Environment (MOE). 2014. Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia. Available at: <http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/#Main>

NatureServe. 2015. NatureServe Explorer - An Online Encyclopedia of Life [web application]. Available: <http://explorer.natureserve.org/>

Queen's Printer, BC, 2016. Riparian Areas Protection Act.

Queen's Printer, BC, 2010. Public Health Act, Sewerage System Regulation, includes amendments up to B.C. Reg. 209/2010, June 28, 2010

Fisheries Inventory Data Queries (FIDQ)

<https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/fish-and-fish-habitat-data-information/search-fish-fish-habitat-data-information/fisheries-inventory-data-queries>



Appendix A: Site Photographs

Photo 1. Riparian area and stream, view to east from west.



Photo 2. South edge of riparian area with trees on site. View to north east.



Photo 3. New culvert installed at previous culvert location, rip-rap with geotech fabric to hold loose dirt.



Photo 4. Stream, sedimentation from upstream activities.



Photo 5. Tiered rip-rap walls above riparian area (north of stream), view to east from west.



Photo 6. Back (southeast) corner of lot (proposed septic location), south of riparian area, view to east from west.



Photo 7. Back (south) edge of lot, view to south-southwest.



Photo 8. West edge of lot, view to south-southwest. Buffer between two lots.



Appendix B: Conservation Data Centre List of Potential Animal Species within the Area

Scientific Name	English Name	Global Status	Prov Status	BC List
<i>Accipiter gentilis laingi</i>	Northern Goshawk, <i>laingi</i> subspecies	G5T2	S2B	Red
<i>Aneides vagrans</i>	Wandering Salamander	G4	S3	Blue
<i>Ardea herodias fannini</i>	Great Blue Heron, <i>fannini</i> subspecies	G5T4	S2S3B,S4N	Blue
<i>Brachyramphus marmoratus</i>	Marbled Murrelet	G3	S3B,S3N	Blue
<i>Contopus cooperi</i>	Olive-sided Flycatcher	G4	S3S4B	Blue
<i>Hirundo rustica</i>	Barn Swallow	G5	S3S4B	Blue
<i>Megascops kennicottii kennicottii</i>	Western Screech-Owl, <i>kennicottii</i> subspecies	G5T4	S2S3	Blue
<i>Patagioenas fasciata</i>	Band-tailed Pigeon	G4	S3S4B	Blue
<i>Progne subis</i>	Purple Martin	G5	S3B	Blue

Search Criteria: Plants & Animals/MOE Regions:1- Vancouver Island (Restricted to Red, Blue, and Legally designated species)/Regional Districts: Capital (CRD) (Restricted to Red, Blue, and Legally designated species)/Habitat Types: Agriculture, Anthropogenic, Forest, Grassland/Shrub, Lakes, Riparian, Rock/Sparsley Vegetated Rock, Stream /River, Subterranean, Wetland (Restricted to Red, Blue, and Legally designated species), BGC Zone: CDF (BC CDC 2017a).

